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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

R.S.A. No. 4417 of 2004

Date of decision: 16.10.2007

Lachhe **...Appellant**

Versus

Shiv Ram and others **...Respondents**

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. S.K.S.Bedi, Advocate for the appellant.

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RAJESH BINDAL, J.

The plaintiff is in second appeal against the concurrent findings of fact by both the Courts below whereby suit filed by him for permanent injunction restraining the respondents from interferring in the peaceful possession of a plot near his residence was dismissed.

The claim made by the appellant was that the plot in question was his ancestral property and he had even some material lying thereon and the respondents have no connection whatsoever with the plot in question. The site plan produced by the appellant/plaintiff was perused, which shows that the plot in question is not situated exactly in its entirety in front of the house of appellant/plaintiff rather main gate of the appellant/plaintiff opens in a street. The plot in question has streets on three of its sides and on the one side it abuts part of house of the appellant/plaintiff. From a perusal of the site plan, it cannot be inferred that plot in question could possibly be the property of the appellant/plaintiff rather from the site plan it is evident that it a common place at the corner of two streets. The plea raised by learned counsel for the appellant/plaintiff that it is only through this plot that he had the ingress and outgress from his house, which clearly show that it is a part of the property of the appellant himself, however, even this claim of the appellant/plaintiff is found to be baseless for the reason that even as

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per site plan produced by him, he has an opening of his house in the street. Mere effort of the appellant seems to be to grab the vacant plot lying at the corner of two streets, which was being used for common purposes. No substantial question of law arises.

Accordingly, the appeal is dismissed.

October 16, 2007 **(Rajesh Bindal)**
Pka/DK **Judge**